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**Criminal Justice & Corrections  
Committee**

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**HB 2702**

**Brief Description:** Increasing the seriousness level for possession of depictions of a minor engaged in sexually explicit conduct.

**Sponsors:** Representatives O'Brien, Pearson, Ericks, Rodne, Kilmer, Green, Sells, McDonald, Kenney, P. Sullivan, McCoy, Simpson, Springer, Morrell, Lantz, Linville and Hudgins; by request of Attorney General.

**Brief Summary of Bill**

- Increases the penalty for Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct.
- Makes offenders convicted of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct eligible for the Special Sex Offender Sentencing Alternative.

**Hearing Date:** 1/26/06

**Staff:** Jim Morishima (786-7191).

**Background:**

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct

A person is guilty of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. The crime is an "unranked" class C felony (zero-12 months in jail for each offense).

The Special Sex Offender Sentencing Alternative

In 1984, the Legislature created the Special Sex Offender Sentencing Alternative (SSOSA). A SSOSA sentence consists of a suspended standard range sentence, incarceration for up to 12 months, treatment for up to five years, and a term of community custody. An offender is eligible for a SSOSA sentence if: (1) he or she is convicted of a sex offense that is not a serious violent offense or rape in the second degree, (2) he or she has no prior felony sex offenses, (3) he or she has no prior adult violent offenses within five years of the current offense, (4) the current offense did not cause substantial bodily harm to the victim, (5) he or she has an established relationship or

connection to the victim, and (6) his or her standard sentence range includes the possibility of incarceration for less than 11 years.

**Summary of Bill:**

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct is changed to a class B felony and ranked at seriousness level VI. This would give a first-time offender a standard range of 12-14 months in prison.

Offenders convicted of the offense are eligible for SSOSA if they meet all of the other eligibility criteria.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2006.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.